

BILL NO. Z-92-12-06 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z- 01-93

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. Q-7.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby
designated an B-3-B (General Business) District under the
terms of Chapter 33 of the Code of the City of Fort Wayne,
Indiana of 1974:

Lots Numbered 11, 12, 13 and 14, in Grandy's Addition,
Fort Wayne, Allen County

and the symbols of the City of Fort Wayne Zoning Map No. Q-7,
as established by Section 11 of Chapter 33 of the Code of the
City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

#524
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Indiana of 1974:

Lots Numbered 11, 12, 13, 14, 17, 18, 19 & 20 in Grandy's
Addition, Fort Wayne, Allen County

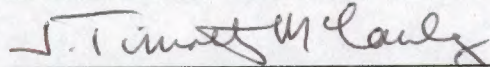
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FOUR STAR BOND

Read the first time in full and on motion by Edmonds,
and duly adopted, read the second time by title and referred to the
Committee on Regulation (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne,, Indiana, on _____, 19____, the _____ day of _____
_____, M., E.S.T.

DATED: 12-8-92 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Long,
and duly adopted, placed on its passage. PASSED 100%
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 1-12-93 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL)
(SPECIAL) _____ (ZONING) _____ ORDINANCE RESOLUTION NO. 2-01-93
on the 12th day of January, 1993

ATTEST: Sandra E. Kennedy Mark C. GiaQuinta
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 13th day of January, 1993,
at the hour of 11:30 o'clock PM, M., E.S.T.
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of January,
1993, at the hour of 4:00 o'clock PM, M., E.S.T.
Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

CK # 1715

No 10941

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., Nov. 16 1992

RECEIVED FROM Mark Nei \$ 200⁰⁰

THE SUM OF Two Hundred and no/100 DOLLARS

ON ACCOUNT OF Rezone - 3030 Wayne Inc

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

WZD
AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Mark C Nei
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1B+R1 District to a/an B3B District the property described as follows:

Lot's Numbered #11, #12, #13, #14 #17 #18 #19 #20
Grandy's addition, Fort Wayne Allen County

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

3030 Wayne Trace

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Mark C Nei</u>	<u>722 Orff ave</u>	<u>[Signature]</u>
_____	<u>Fort Wayne Ind 46808</u>	_____
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>Mark C Nei</u>	<u>722 Orff ave</u>	<u>432-3073</u>
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY AND ECONOMIC DEVELOPMENT / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

CERTIFICATE OF SURVEY

OFFICE OF:

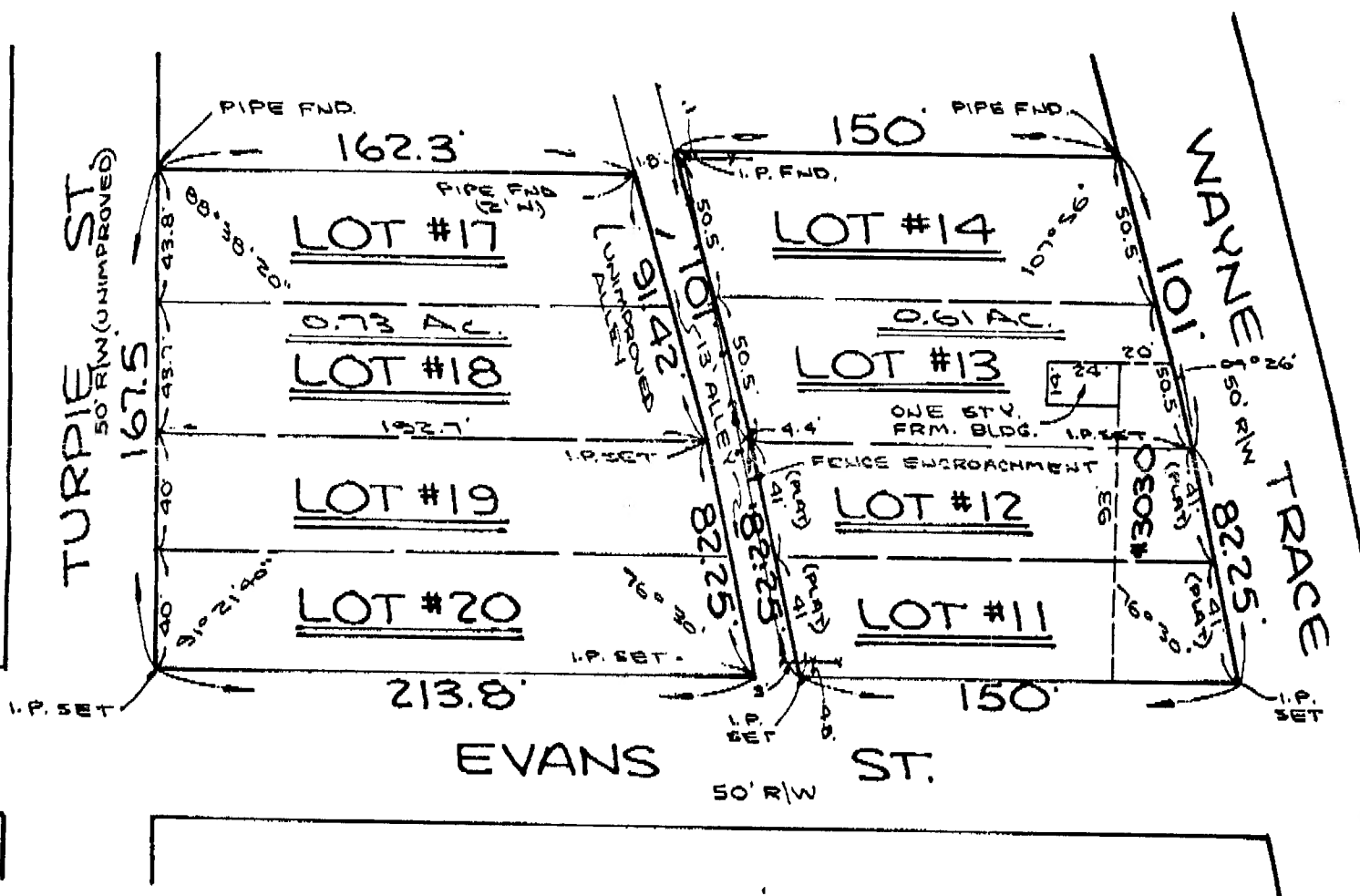
DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
FRANCIS X. MUELLER P.L.S. No. 50193 INDIANA
GREGORY L. ROBERTS P.L.S. No. 50548 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

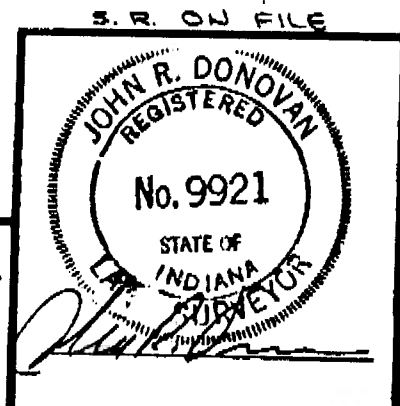
The description of the real estate is as follows, to wit Lot Numbered 11, Lot Numbered 12, Lot Numbered 13, Lot Numbered 14, Lot Numbered 17, Lot Numbered 18, Lot Numbered 19 and Lot Numbered 20, in Gandy's Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana, containing 1.34 acres.



NOTE: According to the Flood Insurance Rate Map (FIRM) number 18003C0290 D, dated Sept. 28, 1990, the herein described real estate is located in Zone "X", and is not in a flood hazard area.

JOB FOR: TUDOR-NEI

1" = 60'
10-22-92



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 8, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-12-06; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 21, 1992.

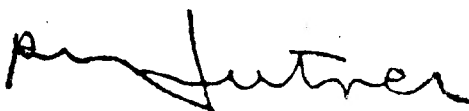
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 28, 1992.

Certified and signed this
29th day of December 1992.

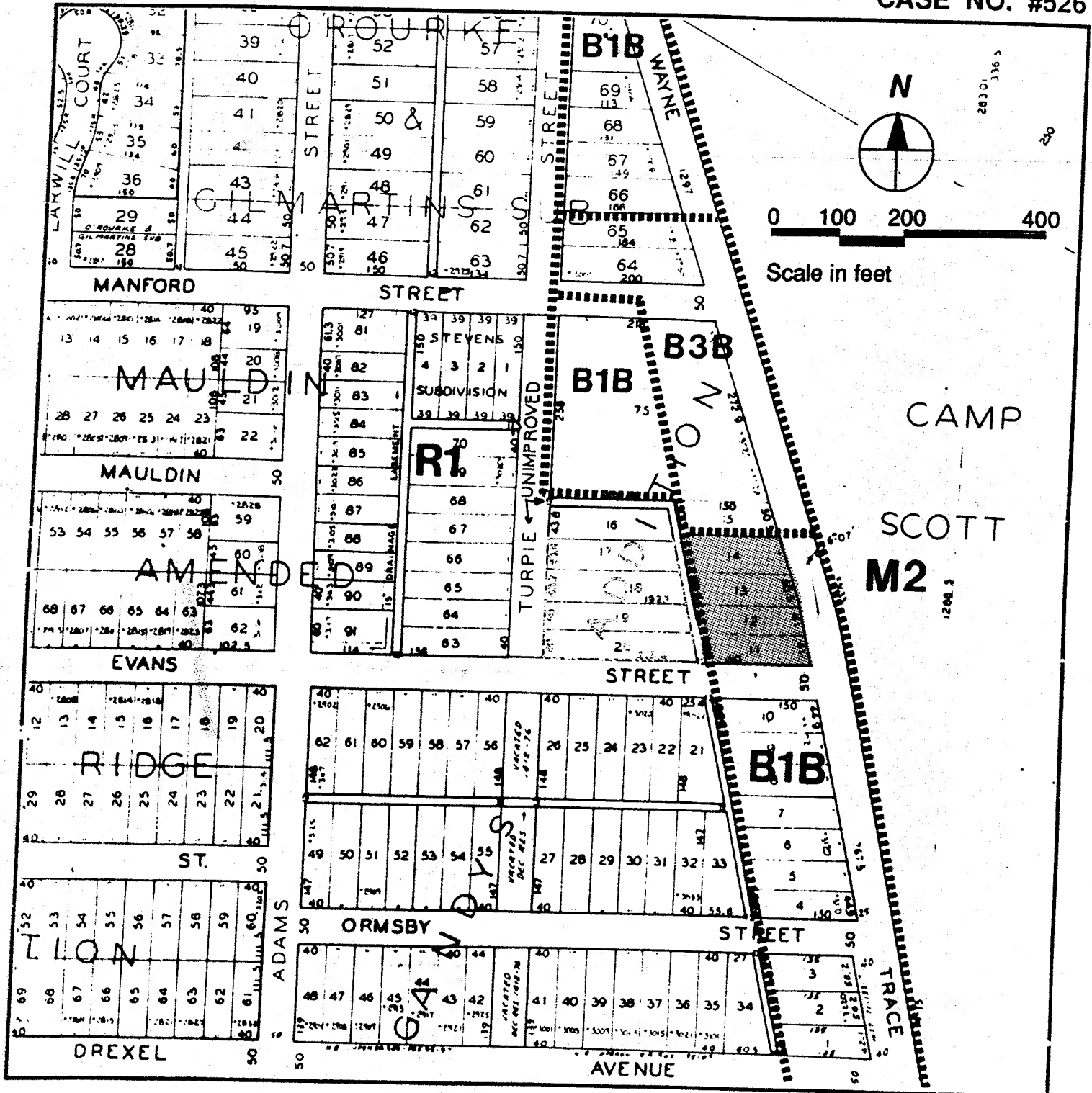


Robert Hutner
Secretary

REZONING PETITION

AREA MAP

CASE NO. #526



COUNCILMANIC DISTRICT NO. 6

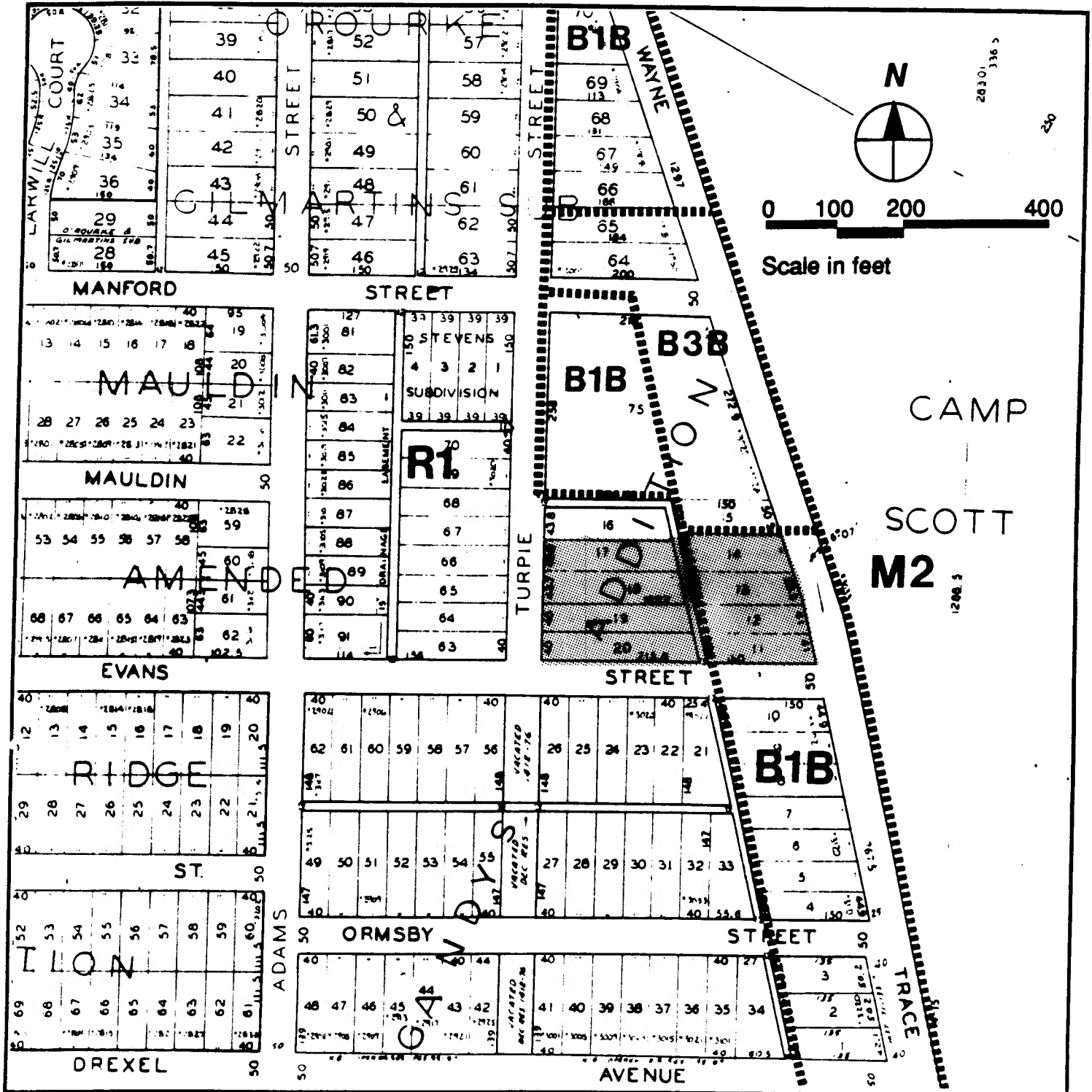
Map No. Q-7
LW 11-25-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

REZONING PETITION

AREA MAP

CASE NO. #526



COUNCILMANIC DISTRICT NO. 6

Map No. Q-7

LW 11-25-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

FACT SHEET

Z-92-12-06

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Map Amendment

APPROVAL DEADLINE**REASON**

From R-1 & B1B to B3B

DETAILS**Specific Location and/or Address**

3030 Wayne Trace

Reason for Project

Used Car Lot

Discussion (Including relationship to other Council actions)

December 21, 1992 - Public Hearing

Mark Nei, property owner appeared before the Commission. Mr. Nei stated that he was willing to amend his request per the staff recommendation. He would be willing to eliminate lots 17 through 20 from the rezoning request and only request to rezone lots 11 through 14, which front on Wayne Trace.

Steve Smith questioned what he would be using the property for.

Mr. Nei stated that it would be used for the sale of used cars. He stated that eventually he would like to raze the building that was there and build a new one.

Florence Weaver, 3001 Drexel Avenue, the Secretary of the Greater McMillen Neighborhood Association stated that they feel that their area already has enough used car lots and that this rezoning was unnecessary.

Mr. Nei stated in rebuttal that he was willing to improve the location. He stated that when

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Mark Nei

City Department

Other

Opponents**Groups or Individuals**Florence Weaver, 3001 Drexel
Sec of Grtr McMillen Assn**Basis of Opposition**-felt there was no need for
another car lot in this area**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against
☐ No Action Taken☒ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**
☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

he purchased the property it was a mess. He stated that lots 17 through 20 have been used for dumping sites. He stated that lots 11 through 14 had been used for a used car lot for over 25 years and he was just reopening it as a new one. He stated that he spent several days cleaning the property up and it already looks better than it has for the past two years.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

December 28, 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation as perfected. The rezoning be perfected to include only lots 11 through 14 inclusive.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote. Motion Carried.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 16 November 1992

Projected Completion or Occupancy

Date 29 December 1992

Fact Sheet Prepared by

Date 29 December 1992

Patricia Biancaniello

Reviewed by

Date

29 DECEMBER 1992


Reference or Case Number

ORIGINAL

TITLE OF ORDINANCE Zoning Map Amendment

SYNOPSIS OF ORDINANCE 3030 Wayne Trace

Z-92-12-06

Family Residential and B-1-B - Limited Business District.

Property will become B-3-B - General Business District.

Residential.

(ASSIGN TO COMMITTEE) _____

BILL NO. Z-92-12-06 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS
LUNSEY, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of
Fort Wayne Zoning Map No. Q-7

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC

DATED:

Sandra E. Kennedy
City Clerk